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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,979	08/22/2000	Palani Raj R. Wallajapet	KCX-274(15145)	1403
22827	7590	10/23/2003	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/643,979

Applicant(s)

WALLAJAPET ET AL.

Examiner

Mark Halpern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-40, 42-63 and 65-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-40, 42-63, 65-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

- 1) Acknowledgement is made of RCE and Amendment received 10/1/2003. Applicants amend claims 36, 61, and cancel claims 41, 64. Claims 36-40, 42-63, 65-69, are under consideration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2) Claims 36-40, 42-63, 65, 67-69, are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5,651,862).

Claims 36, 47, 53, 58, 61, 69: Anderson discloses a process wherein a cellulosic fibrous material and a superabsorbent material are slurry combined to make a wet-formed composite product (col. 3, lines 17-50). The superabsorbent material disclosed is capable of absorbing up to 100 times or more of its weight in water (col. 3, lines 50-55). The wet-formed composite is of a basis weight from about 20 grams per square meter (col. 5, lines 34-50). The superabsorbent material is swellable up to ten times its weight (col. 4, lines 24-46). The composite is dried in drier 64 (col. 10, lines 1-9 and Figure 9). The superabsorbent material comprises less than ten weight percent of the product (col. 5, lines 13-23). The superabsorbent material of Anderson comprises 5

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weight percent of the product (col. 5, lines 13-23). It would have been obvious, to one skilled in the art at the time the invention was made, that the upper limit of the present "about 3% by weight" be construed on 5 weight percent of Anderson. See MPEP 2173.05(b) regarding the interpretation of the term "about". The composite may be a tissue product (col. 6, lines 34-40).

Claims 37, 54: the superabsorbent material is provided in a dry state (col. 8, lines 28-32).

Claims 38-40, 42, 55-56, 65: the superabsorbent material is swellable up to ten times its weight (col. 4, lines 24-46). The superabsorbent material comprises 0.005 to about 3.0 weight percent of the solution (col. 5, lines 1-10).

Claims 43, 57: a wet strength agent is added to the process (col. 5, lines 7-10).

Claim 44: the paper web is softened (col. 12, lines 13-20).

Claims 45-46, 62-63: the moisture content of the product is from 0 to about 25 weight percent (col. 10, lines 15-20).

Claim 48: superabsorbent material and cellulosic fibrous material are combined in the headbox (col. 8, line 13 to col. 10, line 9, and Figures 7-9).

Claims 49-51, 59, 68: the superabsorbent material includes guar gum, pectin agar (col. 3, lines 55-60), and may be in the form of particles, fibers, spheres (col. 4, lines 9-13).

Claims 52, 60, 67: the paper web formed is dried using a through-air-dryer (col.10, lines 10-16).

3) Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Nielsen (6,416,624). Anderson is applied as above for claim 61, Anderson fails to disclose that the absorbed tissue product contains multiple plies. Nielsen discloses an absorbent multiple plies tissue (col. 7, lines 25-32). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Anderson and Nielsen, because such a combination would produce a multiple plies product of lower water content, thus reduce the cost of drying of the web of design of Anderson, as disclosed by Nielsen (Abstract).

Response to Amendment

4) Claims 36-65, 67-69, rejection under 35 U.S.C. 102(b) as being anticipated by Anderson, is withdrawn in view of amended and cancelled claims.

5) Applicants' arguments filed 10/1/2003, have been fully considered but they are not persuasive.

Applicants allege that the product of the cited prior art, Anderson, is not a tissue product.

Examiner responds that the product of Anderson is a tissue product (col. 6, lines 34-40).

Applicants allege that the product of Anderson is not a lightweight product.

Examiner responds that the product of Anderson is of the basis weight claimed.

Applicants allege that the process steps of making the present product are different that the process steps of making a product of Anderson.

Examiner responds that Anderson discloses the process steps claimed.

Applicants allege that the product of Anderson does not contain the weight percent of a superabsorbent material.

Examiner responds that the superabsorbent material of Anderson comprises 5 weight percent of the product. It would have been obvious, to one skilled in the art at the time the invention was made, that the upper limit of the present "about 3% by weight" be construed on 5 weight percent of Anderson. See MPEP 2173.05(b) regarding the interpretation of the term "about".

Conclusion

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9309.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Mark Halpern
Patent Examiner
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